INTRODUCTION MODEL COUNTY LAND USE CODE

SMALL AND MEDIUM SIZE COLORADO COUNTIES

The Model Land Use Code is intended for use as a template to guide the preparation of land use regulations for small and medium size Colorado counties. Every county has its own, unique land use and regulatory issues. The Model Land Use Code provides procedures and standards for the county to choose from while crafting a code that meets the county's individual character and needs. The Code meets statutory requirements and has been drafted to be consistent with current land use law at the time of its writing. Each county, however, should consult with the county attorney for legal advice before adopting any provisions of this code.

The Model Land Use Code is a unified development code, integrating the zoning regulations, subdivision regulations, PUD regulations, sign code and other land use regulations into one document. The Code is organized to facilitate the applicant's and decision-maker's understanding of the process and requirements for land use permit applications. For example, all of the application requirements and review procedures are grouped together, and located early in the Code; standards and approval criteria are grouped together; definitions are grouped together; and so forth. The Code contemplates that a development permit will be required for any land use application.

Certain land use applications may be addressed through a separate permit process, for example: land uses subject to regulation as an area or activity of state interest (1041 permit), oil and gas operations (oil and gas permit), and signs (sign permit). Also, certain land use applications may trigger a unique review process, such as planned unit development (PUD) and affordable housing. The 1041 Regulations, Oil and Gas Regulations, the Sign Code, PUD Regulations and Affordable Housing have been organized as stand-alone regulations within the Code that describe application requirements, review procedures, approval standards, and so forth.

Following is an overview of each article.

OVERVIEW, Article 1: General Administration. This Article contains general administrative provisions that relate to the land use code as a whole. Grouped into this article are the code sections that describe the county's statutory authority, repeal the previous land use codes, describe the maps that are incorporated by reference, provide for vested rights, and describe the various boards and commissions involved in the land use permit application process.

OVERVIEW, Article 2: Land Use Change Permit. This Article provides that a

Land Use Change Permit is required for a change in land use, and provides a general overview of the permit requirement. Grouped into this article are examples of exemptions to the Land Use Change Permit requirement and a description of the levels of permit review for Land Use Change Permits with cross-references to the code section that describes each permit review process.

OVERVIEW, Article 3: Zoning. This Article establishes zone districts and includes specific zoning regulations such as lot size, setback requirements and height restrictions in each district. Also included are minimum requirements for specific types of land use such as accessory structures, campgrounds, home occupation, and manufactured homes. The zoning regulations include a Use Table to identify the uses allowed in each zone district and the level of review that applies to the use. Tables also are used to describe use restrictions.

OVERVIEW, Article 4: Permit Application and Review Procedures. This Article describes the review procedures that are common to all land use change applications. The Article also describes the review and submittal requirements for land uses that do not involve division of land.

For purposes of this Model Land Use Code, common review procedures are grouped together, described in one section and then cross-referenced to where they apply, rather than being repeated each time the procedure is referenced within a particular review process. Examples of common review procedures include pre-application conference, determination of completeness, review by referral agencies, evaluation by staff and general public notice requirements.

Flowcharts are used to illustrate each review process.

OVERVIEW, Article 5: Division of Land. This Article describes the review and submittal requirements for land uses that require the division of land. Grouped into this article are provisions that identify types of subdivision (minor subdivision and major subdivision), identify types of land division that are exempt from subdivision, describe submittal requirements and review processes for minor subdivision and major subdivision, and describe submittal requirements and review processes for subdivision exemptions and for exempt cluster subdivisions. Flowcharts are used to illustrate each review process.

The opportunity for a simplified review process exists with final plat review. By statute, final plat approval does not require any public hearing. Thus, the final plat can simply be approved by the Board at a properly noticed regular meeting. For purposes of the Model Land Use Code, two options for final plat review are offered: a review process that includes public hearing; and a review process for approval by the Board without public hearing.

OVERVIEW, Article 6: Planned Unit Development (PUD). This Article comprises stand-alone PUD regulations. For purposes of this Model Land Use Code, common review procedures such as determination of completeness, public notice, referral agency review, and evaluation by staff are cross-referenced; however, the county may prefer to fully describe each procedure involved in the PUD review process within the PUD Article.

OVERVIEW, Article 7: Standards. This Article groups all approval standards together in one section rather than threading them throughout the Model Land Use Code. Where standards are scattered throughout land use regulations, it makes it difficult for an applicant or decision-maker to understand requirements that must be satisfied, and creates confusion and legal uncertainty.

The standards are organized into groups of general approval standards that all permit applications must satisfy, followed by groups of standards that have more specific application, such as site planning and development standards, standards for divisions of land, exempt subdivision standards, cluster development standards, and overlay district standards. Likewise, additional standards that apply to specific uses, such as accessory structures, home occupation, group home facilities, manufactured homes and manufactured home parks, public utilities, storage areas and facilities, and telecommunications facilities are grouped together. Also in this article are approval criteria that apply to various plats, rezonings, and administrative appeals.

OVERVIEW, Article 8: Affordable Housing. This Article comprises a standalone affordable housing program based on the concept of "inclusionary zoning."

OVERVIEW, Article 9: Oil and Gas Regulations. This Article comprises stand-alone regulations for exploration and production of oil and gas resources in the county. These model oil and gas regulations are based on the Gunnison County Oil and Gas Regulations which were upheld by the Colorado Court of Appeals after they were challenged by the oil and gas industry and the Colorado Oil and Gas Conservation Commission.

OVERVIEW, Article 10: Nonconforming Land Use. This Article contains provisions for regulating non-conforming land uses, including nonconforming signs and nonconforming divisions of land.

OVERVIEW, Article 11: Signs. This Article contains a stand-alone sign code, including an enforcement process unique to signs.

OVERVIEW, Article 12: Enforcement. This Article contains the general provisions for enforcing land use regulations and the process for abatement of violations by the county.

OVERVIEW, Article 13: Financial Guarantee. This Article contains provisions for a guarantee of financial security for certain land use.

OVERVIEW, Article 14: Areas and Activities of State Interest. This Article comprises regulations and guidelines for administration of areas and activities of state interest under C.R.S. Section 24-65.1-101, et seq. (1041 Regulations). Grouped into this article are sections that identify the activities and/or areas of state interest that can be designated by the county, describe the designation process, describe the application and review process, and specify permit approval standards for 1041 permits. This Model Land Use Code includes the areas and activities of state interest set forth in C.R.S. Sections 24-65.1-201 and 203 that are the most commonly used by counties throughout the state.

OVERVIEW, Article 15: Rubbish, Junk, Weeds and Brush, and Unsafe Structures. This Article contains regulations for removal of rubbish, junk, weeds and brush, and unsafe structures.

OVERVIEW, Article 16: Definitions. This Article groups together the definitions of words and terms in the land use code.

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